

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

In re Biozoom, Inc. Securities Litigation.

Civil Action No.: 1:14-cv-01087

Judge James S. Gwin

**ILLINOIS DEFENDANTS' NOTICE OF WITHDRAWAL
OF ARGUMENT IN SECTION II.B.2 OF
THEIR MOTION TO DISMISS PLAINTIFFS' STATE LAW CLAIMS**

Defendants G1 Execution Services, LLC, E-Trade Capital Markets LLC and Citadel Securities, LLC ("Illinois Defendants") hereby withdraw their argument, asserted at Section II.B.2 of Defendants' Omnibus Memorandum of Law in Support of Their Motion to Dismiss Plaintiffs' State Law Claims (Dkt. No. 103-1) ("Memorandum") in further support of the dismissal of Count XIII of Plaintiffs' Second Amended Complaint, that the Biozoom shares at issue were exempt from registration under 815 ILCS 5/3G of the Illinois Securities Law. Illinois Defendants withdraw this argument upon further consideration of Section 5/3G. Illinois Defendants continue to move for dismissal of Count XIII pursuant to the additional bases asserted in the Memorandum. (*See* Memorandum at Section II.A.1 (failure to allege buyer-seller privity) and Section II.D (failure to plead compliance with notice requirement).)

Dated: February 6, 2015

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on February 6, 2015, a copy of the foregoing was filed electronically with the Court's Case Management / Electronic Case Files (CM/ECF) docketing system. Notice of this filing will be sent by operation of the CM/ECF system. Notice of this filing will also be sent by mail to anyone unable to accept electronic filing, as indicated on the Notice of Electronic Filing. Parties may access this filing through the CM/ECF system.

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